

MESSAGE NO: 0189204 MESSAGE DATE: 07/07/2000

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/11/2000 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON ADD ORDER ON PETROLEUM WAX CANDLES FROM CHINA (A-570-504)

MESSAGE NO: 0189204

DATE: 07 07 2000

CATEGORY: ADA

TYPE: SCO

REFERENCE:

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CASES: A - 570 - 504

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PERIOD COVERED: 05 11 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: SCOPE RULING ON ADD ORDER ON PETROLEUM WAX CANDLES
FROM CHINA (A-570-504)

1. ON 05/11/2000, IN RESPONSE TO A REQUEST BY ENDAR CORPORATION, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT FIVE MODELS OF CANDLES ARE WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504).
2. BECAUSE THE FIVE CANDLES ARE EITHER ROUNDS OR VOTIVES, SPECIFICALLY COVERED BY THE SCOPE OF THE ORDER, AND BECAUSE THE CANDLES LACK ANY OF THE NECESSARY EXCLUSIONARY

CHARACTERISTICS TO QUALIFY AS HOLIDAY NOVELTY CANDLES, THE DEPARTMENT FOUND THESE PRODUCTS TO BE WITHIN THE SCOPE OF THE ORDER.

SPECIFICALLY, THE DEPARTMENT FOUND THAT THREE ROUNDS SUBMITTED BY ENDAR WERE NOT "SHAPED IN THE FORM OF AN IDENTIFIABLE OBJECT," A CATEGORY OF MERCHANDISE PREVIOUSLY EXCLUDED FROM THE ORDER. THE DEPARTMENT FOUND THAT HOLLOWED-

OUT ROUNDS HAVING THE SHAPE DESCRIBED BY ENDAR AS OF A "CHINESE LANTERN" ARE IN FACT "ROUNDS," SHAPES THAT ARE WITHIN THE LANGUAGE OF THE SCOPE. THUS, THESE CANDLES ARE COVERED BY THE SCOPE OF THE ORDER.

THE DEPARTMENT FURTHER DETERMINED THAT A VOTIVE CANDLE ADORNED WITH SMALL METAL STUDS DOES NOT CONSTITUTE A HOLIDAY NOVELTY CANDLE BECAUSE THE STUDS DO NOT LIMIT THE CANDLE TO USE SOLELY IN CONNECTION WITH A PARTICULAR RELIGIOUS HOLIDAY OR OTHER SPECIAL EVENT, SUCH AS A WEDDING. THEREFORE, THIS CANDLE IS WITHIN THE SCOPE OF THE ORDER.

FINALLY, THE DEPARTMENT CONCLUDED THAT ENDAR'S FLOATING ROUND RED AND WHITE CANDLE, DESCRIBED BY ENDAR AS HAVING THE SHAPE OF "A RED AND WHITE MINT CANDY," WAS NOT "SHAPED IN THE FORM OF AN IDENTIFIABLE OBJECT," A CATEGORY OF MERCHANDISE PREVIOUSLY EXCLUDED FROM THE ORDER. THE DEPARTMENT FURTHER NOTED THAT ENDAR'S CANDLE IS A "ROUND" AS DESCRIBED IN THE SCOPE LANGUAGE OF THE ORDER, AND IS SIMILAR IN APPEARANCE TO A CANDLE PREVIOUSLY RULED TO BE WITHIN THE SCOPE.

3. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, INCLUDING ENDAR'

S CANDLES DESCRIBED ABOVE, SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-504). PETROLEUM WAX CANDLES ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADING 3506.00.00.00 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES, ANNOTATED.

4. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT JONATHAN LYONS AT 202-482-0374, AD/CVD ENFORCEMENT GROUP III, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.
5. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party